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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000228

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STATE FOR SA/INS AND PRM
LONDON FOR POL - RIEDEL
GENEVA FOR RMA

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SUBJECT: APPARENT BREAKTHROUGH IN BHUTANESE REFUGEE DEADLOCK

REF: A. (A) KATHMANDU 0170

1B. (B) STATE 16356
1C. (C) GENEVA 0253
1D. (D) KATHMANDU 0128

Classified By: DCM ROBERT K. BOGGS. REASON: 1.5 (B,D).

SUMMARY

11. (C) Summary and Action Request: Meeting in Kathmandu on February 6, Nepali Foreign Minister Narendra Bikram Shah and Bhutanese Foreign Minister Lyonpo Jigmi Y. Thinley reportedly reached agreement on criteria for the resettlement and repatriation of more than 100,000 Bhutanese refugees in Nepal. According to a senior Nepali participant in the talks, the Government of Bhutan (GOB) agreed to take back those who left "voluntarily" and those who have been convicted of crimes, as well as those forcibly evicted from Bhutan. The GOB committed to apply a "liberal" interpretation of its citizenship law to voluntary emigres, who must reapply for Bhutanese citizenship upon return to their homeland. The Government of Nepal (GON) has agreed to offer refugees the "option to return"; implicit in such an offer, according to the MFA, is an option to remain and be resettled in Nepal. The Joint Verification Team, which has not met since December 2001, will reconvene on February 24 in Thimpu to begin categorizing the 12,000 refugees interviewed from one of seven refugee camps. Another ministerial meeting is scheduled for March 24 in Thimpu. The GON is prepared to give the GOB "the benefit of the doubt" that it will fulfill its commitments, according to a Nepali MFA official, but believes continued donor pressure will be necessary to keep up the momentum. Rudiger Wenk, EU CDA in Kathmandu, told the DCM that his headquarters has already agreed to send a letter to the GOB urging quick movement on resolving the 13-year-old refugee issue, and suggested the USG contact Commissioner Chris Patton to coordinate efforts. Department is requested to review sending such a communication to Commissioner Patton. End summary.

GOB AGREES TO TAKE "VOLUNTARY" EMIGRES

12. (SBU) After languishing more than one year without progress, bilateral talks on resolving the plight of more than 100,000 Bhutanese refugees in Nepal moved a significant step forward in Kathmandu on February 6 when the Foreign Ministers of both countries "harmonized" their countries' definitions of four different categories of refugees and reportedly agreed on which may qualify for repatriation to Bhutan. (Note: The four categories are: a) those forcibly evicted from Bhutan; b) those who left Bhutan voluntarily; c) criminals; and d) non-Bhutanese. Progress toward repatriating an initial 12,000 refugees whose status had been "verified" by a bilateral team in 2001 had been stalled by the Government of Bhutan's refusal to readmit anyone from the second and third categories. Because many refugees apparently signed documents before their departure stating they were leaving of their own free will--documents that most now claim were signed under duress--the Government of Nepal feared that the majority of refugees would fall into the second category. End note.) During talks this week, the Government of Bhutan (GOB) reportedly agreed to accept for repatriation refugees classified under the first three categories. The Government of Nepal (GON) agreed to offer refugees "the option to return" to Bhutan, which, according to Nepali MFA Joint Secretary and Spokesman Gyan Chandra Acharya, who participated in the talks, offers the implicit option not to return and to be resettled in Nepal.

13. (C) "Voluntary" emigres accepted for repatriation must reapply for Bhutanese citizenship. Acharya said the GOB had agreed to extend a "liberal" interpretation of its citizenship law to such applications. The prickly question of whether the GON will extend the possibility of citizenship to those refugees electing resettlement in Nepal--a point the GOB had earlier demanded--will be "sorted out" later, Acharya said. (Note: Citizenship issues are politically sensitive

in Nepal, primarily because of the large volume of undocumented residents of Indian parentage, particularly in the southern plains, pressing for citizenship. End note.)

AFTER CATEGORIZATION, REPATRIATION

14. (SBU) The Joint Verification Team (JVT), which last met in December 2001, will reconvene in Thimpu on February 24. A 13th ministerial meeting is also scheduled to be held in Thimpu on March 24. The JVT, which will be headed by Joint Secretaries from the respective Home Ministries, will begin

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the long-deferred work of categorizing the 12,000 residents whose status was "verified" during JVT interviews at one of the seven refugee camps in 2001. Acharya said the GOB has assured the GON that categorization will proceed more expeditiously than the verification exercise, which took nine months to complete. Once the categorization of the initial 12,000 refugees is finished, repatriation will begin, Acharya said, although no specific time frame has been established.

15. (C) Acharya said the GON insisted that repatriation of the initial 12,000 "verified" refugees at the first camp be completed before interviews are undertaken at the remaining six camps. He said he is fairly confident that once a successful sequence of verification, followed by repatriation/resettlement is established, the work of interviewing and categorizing the remaining 88,000 refugees should proceed less laboriously.

GON GIVES GOB "BENEFIT OF THE DOUBT"

16. (C) While acknowledging several previous false starts over the 13 years of efforts to resolve the refugee problem, Acharya said his government is encouraged by the GOB's apparently accommodating stance. The GOB might quibble later about definitions, question the veracity of refugee documents, or employ other delaying tactics, Acharya said; nonetheless, for now the GON must give Bhutan the "benefit of the doubt" that it will live up to its commitments. He credited donor nation pressure for convincing the GOB to make the concessions it has, and suggested that the conclusion of such an important agreement just ten days before the beginning of the Bhutan aid consortium meeting in Geneva was more than coincidental. Acharya, who was speaking at a luncheon attended by the U.S., British, French, and German Ambassadors, urged that donors continue such pressure lest Bhutan "backslide" and once again begin stalling the process.

17. (U) The actual joint press release signed by the two Foreign Ministers (copy faxed to SA/INS) commits the GOB to substantially less than what Acharya said was verbally agreed upon. The press statement notes in general terms that "the two Ministers expressed their firm resolve and commitment to arrive at a lasting solution" to the refugee issue without stipulating what such a solution might entail. It further states that the two sides "harmonized their positions on the four categories" without defining the categories or referring to any commitments by the GOB to take back any emigres.

EU TO SEND LETTER TO BHUTAN

18. (C) EU CDA Rudiger Wenk told the DCM on February 6 that, as promised, he had consulted with his headquarters about the refugee issue (Ref D). He reported that Brussels had agreed to send a letter to the GOB pressing for progress in resolving the long-standing problem. Wenk said he remains skeptical that the GOB will follow through on its commitments, noting pointedly that the JVT meeting that will begin addressing the nettlesome problem of categorization is not scheduled until after the donors meeting. He suggested that the Department communicate with Commissioner Chris Patton on how best to send a strong message to the GOB before the February 17 donor consortium.

COMMENT

19. (C) Nepali Foreign Minister Narendra Bikram Shah identified the 13-year-old refugee problem to the Ambassador weeks ago as one key area in which the apolitical interim government appointed by King Gyanendra might make some important headway. For right now at least, Shah may have succeeded. The imminent donors conference on Bhutan, coupled with the growing chorus of donor voices urging the GOB to take action, likely were critical to reactivating the negotiating process. That those who have dealt the longest

with the GOB on this issue--Joint Secretary Acharya and the EU's Wenk--both express a cautious skepticism that Bhutan will follow through on its commitments--is noteworthy. We note with some concern that the joint press statement released after the recent ministerial says nothing about Bhutan's reported commitments regarding repatriation. We hope that the vague, generic wording in the statement was employed in order to allay possible political sensitivities in either or both capitals, rather than to allow yet further evasive and delaying tactics by the Bhutanese. It is thus important that donors at the February 17 conference continue to press the GOB to implement these promises in a timely fashion. We welcome the Department's plan to demarche Bhutan's donor capitals (Ref B) and recommend that it enlist the help of EU headquarters in implementing this strategy.

MALINOWSKI